

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Antonio Celester,)	
)	
Plaintiff,)	
)	Civil Action No. 6:23-cv-5030-BHH
v.)	
)	
Sun Trust Bank, also known as)	
Truist Bank; and Snatch Master LLC,)	<u>ORDER</u>
)	
Defendants.)	
_____)	

Pro se plaintiff Antonio Celster (“Plaintiff”) filed suit in the Greenville County Court of Common Pleas. Defendant Truist Bank (“Truist”) removed the action to this Court on October 6, 2023, and Plaintiff filed a motion to remand on November 11, 2023. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review.

On December 12, 2023, Magistrate Judge Kaymani D. West issued a Report and recommendation (“Report”), outlining the issues and recommending that the Court grant Plaintiff’s motion to remand because, based on Plaintiff’s affidavit, complete diversity did not exist at the time when this action was filed. Attached to the Magistrate Judge’s Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections to the Report have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis. Accordingly, the Court hereby adopts and incorporates the Magistrate Judge’s Report (ECF No. 22), and the Court grants Plaintiff’s motion to remand (ECF No. 15) and remands this matter to the Greenville County Court of Common Pleas.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

January 12, 2024
Charleston, South Carolina